

FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009

HB 208/a

March 5, 2009

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

HOUSE BILL 208, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike House Judiciary Committee Amendments 1 and 3.
2. On page 2, line 8, strike "the jury" and insert in lieu thereof "a jury or by the judge".
3. On page 2, between lines 10 and 11, insert the following new subsection:

"B. When the determination of guilt or innocence for the underlying offense is made by a jury, the original trial jury shall determine whether aggravating circumstances exist. If the offender waives a jury trial for the underlying offense, the offender retains the right to a jury determination of aggravating circumstances. If the offender waives a jury determination of aggravating circumstances, the basic sentence may be altered upon a finding by the judge beyond a reasonable doubt of any aggravating circumstances surrounding the offense or concerning the offender."
4. Reletter the succeeding subsections accordingly.
5. On page 2, line 25, strike "to the jury".,

and thence referred to the **JUDICIARY COMMITTEE**.

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Respectfully submitted,

Dede Feldman, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Asbill, Griego, E., Munoz

Absent: None

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